



## Guidelines of the Building and Standards Commission City of Bryan, Texas

With revisions adopted on June 27, 2011

### **ARTICLE 1 - AUTHORITY**

The Building and Standards Commission ("Commission") shall be constituted, have the powers and duties, and conduct all activities in accordance with Chapters 54 and 214 of the Texas Local Government Code, the City Charter, Chapter 2, Article III Division 3, of the City of Bryan's Code of Ordinances, and these adopted Guidelines.

### **ARTICLE 2 - PURPOSE AND FUNCTION**

The duties and functions of the Commission are set forth in Chapter 2, Article III, Division 3, and Chapter 14, Article VIII of the City of Bryan Code of Ordinances.

### **ARTICLE 3 - ACTIVITY YEAR**

The activity year for the Commission and the terms of membership shall be from January 1 - December 31.

### **ARTICLE 4 - MEETINGS**

- A. Regular and Workshop Meetings of the Commission shall be held as requested /scheduled at the time and location as posted in the public notice.
- B. Special meetings or workshops of the Commission may be called by the Chief Building Official or upon request by the Chair. At a workshop, the Commission may not discuss any specific property that is, or may be in the future, pending before the Commission, nor may the Commission take any action.

- C. Each member shall be sent a written notice or an email notice of the regular and workshop meetings which shall include an agenda listing all matters to be considered by the Commission. Notices of the regular and workshop meetings shall be sent to each member sufficiently in advance of each meeting to ensure determination of the presence of a quorum of the Commission's members and to permit study of the agenda by the members of the Commission.
- D. A Commission meeting may be cancelled by the Chief Building Official if not needed or if a quorum will not be met. All members of the Commission will be notified of the cancellation.

## **ARTICLE 5 - COMMISSION MEMBERSHIP**

- A. Commission member terms shall be in accordance with Chapter 2, Article III, Division 3, Section 2-101, Membership, of the City of Bryan Code of Ordinances.
- B. A Commission member may be replaced by the City Council if such member fails to attend at least two-thirds of the meetings of the Commission for which that person was appointed for any six-month period during which the appointee is a member of the Commission. A Commission member may also be replaced for other cause. Before a member may be replaced, the member must be presented with a written charge and given an opportunity to request a public hearing before the City Council, and the City Council must conduct such a hearing to decide if the member will be replaced.
- C. The Chief Building Official or designee shall be responsible for maintaining a record of attendance and reporting such information periodically to the City Manager. If an appointee fails to attend as required, the City Manager shall advise the City Council who will appoint a new person to replace the appointee in accordance with the above procedure.

## **ARTICLE 6 - ELECTION OF OFFICERS**

- A. At their first regular meeting in January each year the Commission shall:
  - 1. Install new members as appointed by the City Council;
  - 2. Nominate and elect a chair and vice-chair.
- B. Nomination for elective officers of the Commission may be made by any member or members at the call of the presiding Chair. The election of new officers shall be by acclamation unless an election by ballot is requested by any member. Upon such request, the Chair shall order an election by ballot, appoint a teller to distribute ballots, collect and tabulate them and announce the results of the election. A simple majority of the votes cast will determine the elected officer.

## **ARTICLE 7 - DUTIES AND RESPONSIBILITIES OF OFFICERS**

- A. The Chair:
  - 1. Shall preside over the meetings of the Commission

2. Shall appoint committees
3. Shall sign all documents of the Commission
4. Shall see that all actions of the Commission are properly taken

B. The Vice-Chair:

1. Shall, in the absence, disability, or disqualification of the Chair, exercise or perform all the duties and be subject to all the responsibilities of the Chair
2. Shall have the power granted the Chair in the conduct of the Commission's affairs in the Chair's absence

- C. The Departments of Building Services, Code Enforcement, and Fire Services shall act as staff to the Commission.
- D. The Chief Building Official or designated representative shall meet and work with the Commission and shall assist in gathering data and see that all necessary documents are transmitted to the Chair or to the proper committee.
- E. The Chief Building Official or designee shall serve as secretary to the Commission and see that the minutes are properly recorded, maintained, and conveyed to the City Secretary. The Chief Building Official or designee shall see that any conflict of interest affidavits are properly received, recorded, and conveyed to the City Secretary.
- F. Any vacancy in the office of Chair or Vice-Chair will be filled at the next regular or special meeting after a vacancy has been determined.

## **ARTICLE 8 - COMMITTEES**

- A. The Department of Building Services shall post the agendas for all regular, special, workshop, and committee meetings of the Commission in accordance with the procedure outlined in the Open Meetings Act.
- B. It shall be the duty of each Committee to review, investigate and report on all matters submitted to them by the Chair. In the discharge of all duties involving specific provisions and requirements of State Statutes and/or City Ordinances, the particular Committee involved shall perform in strict accordance with the provisions of such Statutes and Ordinances.

## **ARTICLE 9 - COMMISSION OFFICES**

- A. The offices and headquarters of the Commission shall be in the office of the Chief Building Official or designee in such City of Bryan public building and in such space assigned to it.
- B. All materials required by law are to be filed in the office of the Building Services Department for processing prior to consideration by the Commission.

- C. Deadline for the submittal of applications and supporting documents for placement on the agenda shall be established by the Chief Building Official or designee.

## **ARTICLE 10 - ORDER OF BUSINESS**

- A. The order of business conducted in regular meetings of the Commission or its committees shall be as follows:
  - 1. Call to Order
  - 2. Recognition of Affidavits for Conflict-of-Interest
  - 3. Approval of prior minutes
  - 4. Opening Statement from the Chair
  - 5. Swearing in of all present and intending to testify
  - 6. Regular Agenda Items
  - 7. Future Agenda Items
  - 8. Adjournment
- B. The procedures for hearings before the Commission shall be as follows:
  - 1. The Chair of the Commission will open the public hearing in accordance with the posted agenda.
  - 2. The City will present its case. This may include: testimony from City officers, employees, and representatives; introduction of documentation such as photographs, inspection reports, surveys, estimates, and affidavits. Any member of the Commission panel hearing the case may question City staff during the course of this presentation.
  - 3. The owner, lienholder, mortgagee or other interested party will present their case. Any interested party may be represented by an attorney. This may include but is not limited to testimony, documentation, or argument. Any member of the Commission panel hearing the case may question a witness, provided that the witness is given ample opportunity to speak and to respond.
  - 4. The Chair will open the hearing up to any member of the public wishing to speak on the subject of the hearing. After all have been heard, or hearing none, the Chair will close the public portion of the hearing.
  - 5. The Commission members may ask for any of the witnesses or City staff to return to the podium for follow up questions.
  - 6. After the Commission appears satisfied and has no more questions, the Chair will entertain a motion, and if seconded, will call for discussion.
  - 7. The Commission members will discuss the merits of the current case. Neither staff nor property owners may speak unless called upon by the Commission to answer a specific question.
  - 8. After the discussion is concluded, a vote will be held and the hearing will be closed. The hearing may not be reopened and the vote cannot be reconsidered.

## **ARTICLE 11 - RULES OF ORDER**

### **A. Quorum/Alternates**

1. A quorum at any meeting shall consist of four members of the commission as noted in Chapter 2 Article 3, Division 3 of the Code of Ordinances. If any member of the Commission is absent at the time designated for the commencement of the meeting, the Chair may request that his or her place be filled by one of the alternate Commission members.
2. Any member of the Commission who feels he or she has a conflict of interest in a particular issue shall file an affidavit stating the nature of such conflict with the Chief Building Official for conveyance to the City Secretary. The member shall refrain from all discussion of the matter and may not vote.
3. In the event that a member of the Commission has a conflict of interest with any issue on the Agenda for a meeting, the Chair may request that the member withdraw from participation in the entire meeting and one of the alternate Commission members shall sit in his or her place for the duration of the meeting.

### **B. Voting**

1. In the conduct of its affairs in regular and special meetings of the Commission involving official action of the Commission, every member of the Commission shall vote, including the Chair and Vice-Chair, unless abstaining from voting.
2. Any vote less than a unanimous vote shall be recorded such that the vote of each Commissioner is identified.
3. In the event of an abstention, the name of the abstaining member and the reason for said abstention shall be specified and made part of the minutes.
4. Any action taken by four of the Commission members shall constitute an official action of the Commission.

### **C. Decorum**

1. Any Commission member wishing to speak or question witnesses must have permission from the Chair.
2. Any Commission member that is not abstaining from discussion and voting, including the Chair, may make a motion or a second. Prior to a vote on the motion, a motion or a second may be withdrawn by the member making it.
3. Any witness wishing to address the Commission must have permission from the Chair. All witnesses must address the Commission directly and not other members of the audience or City Staff. Any witnesses wishing to speak must do so from the podium. All witnesses must refrain from personal attacks on members of the Commission, City staff, or other witnesses.

Only record owners, lienholders, and mortgagees have a constitutional right to speak at the hearing. All other persons wishing to speak may be limited in time and subject matter.

4. Each meeting, before a City employee may testify, the employee must provide his or her name, title, and the address of the office in which he or she works. Before any other witness may testify, the witness must provide his or her name, residence address, and interest in the case (e.g. owner, tenant, neighbor, relative, etc.).
5. It is the responsibility of the Chair to ensure that decorum is maintained. If testimony from interested parties becomes repetitive, the Chair may impose reasonable restrictions (such as a three minute time limit to wrap up). Under certain circumstances, including but not limited to a violation of these guidelines, the Chair may ask a witness to leave. If a witness becomes repetitive, discusses items that are off topic, or otherwise excessive the Chair may impose a three minute time limit for the witness to complete his or her testimony.
6. Any procedural decision of the Chair may be overruled by a majority of the Commission. If a motion is made to overrule a decision of the Chair, and receives a second, the Chair shall immediately call for a vote.
7. The Commission shall not be bound by any strict rules of evidence or procedure, other than those set forth in these guidelines and the city's Code of Ordinances. With regards to decorum and procedure, when these guidelines or the city's Code of Ordinances are silent, Robert's Rules of Order shall serve as a guide, however flexibility is permissible and deviation from those rules shall not effect the validity of a decision of the Commission.

## **ARTICLE 12 - CHANGES IN GUIDELINES**

- A. These guidelines may be amended at any regular or special meeting, when properly posted, by a vote of at least four members of the Commission.

## **ARTICLE 13 - FILING OF GUIDELINES**

- A. These guidelines, and any subsequent amendments, upon approval, shall become part of the public record of the Commission meetings at which they are adopted.

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Building and Standards Commission Chair

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Building and Standards Commission Vice-Chair